IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 32571 of 2005(C)

AGAINST THE ORDER DATED 24/05/05 IN EP.134/01 IN OS.455/1995 of PRL.SUB COURT,IRINJALAKUDA

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PETITIONER:

P.A. ASHRAFF, AGED 49 YEARS,
S/O. ABDU, PUZHANKARAILATHU HOUSE,
P.O. MATHILAKOM.

BY ADV. SRI.T.M.ABDUL LATHEEF
SMT.P.RESHMA KABIR

RESPONDENTS:

MANOHARAN, S/O. KUMARAN,
MADATHINKAL HOUSE, THEKKUMKARA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.K.G.BALASUBRAMANIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF PETITION DT.15.1.04 FILED BY THE PETITIONER BEFORE THE SUB COURT, IRINJALAKUDA AS EA NO.139/04 IN EP NO.134/01 IN OS NO.455/95.

EXT.P2 : TRUE COPY OF THE OBJECTION DT.19.7.04 FILED BY THE RESPONDENT BEFORE THE SUB COURT, IRINJALAKUDA AS EA NO.139/04 IN EP NO.134/01 IN OS NO.455/95.

EXT.P3 : TRUE COPY OF THE COMMISSION APPLICATION DT.17.6.04 FILED BY THE PETITIONER BEFORE THE SUB COURT, IRINJALAKUDA AS EA NO.11011/04 IN EP NO.134/01 IN OS NO.455/95.

EXT.P4 : TRUE COPY OF THE ORDER DT.24.5.05 PASSED BY THE PRINCIPAL SUB COURT, IRINJALAKUDA IN EA NO.139/04 IN EP NO.134/01 IN OS NO.455/95.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 32571 OF 2005

Dated this the 31st day of May, 2007

JUDGMENT

Mr.K.G.Balasubramanyan, counsel for the respondent submits that on the date Ext.P4 was passed, the main application submitted by the petitioner to set aside sale under Order XXI Rule 90 was also dismissed. The order dismissing the main application has obtained finality. I find merit in the above submission.

I do not find any warrant for invoking the visitorial jurisdiction of this Court under Article 227 of the Constitution for setting aside Ext.P4. However, in order to enable the petitioner to sort out the issue with the respondent-decree holder, the order of stay presently passed will continue for a period of three more months from today.

PIUS C. KURIAKOSE, JUDGE

btt